

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2211.05
COMPLAINT INVESTIGATOR: Paul Ash
DATE OF COMPLAINT: February 2, 2005
DATE OF REPORT: February 24, 2005
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: May 6, 2005

COMPLAINT ISSUES:

Whether the Marion Community Schools and the Grant County Special Services violated:

511 IAC at 7-27-7(d) ("Article 7") implementing an IEP for a period more than 12 months

FINDINGS OF FACT:

1. The student is an eleven year old student with a disability who is eligible for special education and related services as a student with a mild mental handicap and a communication disorder.
2. The complainant alleges that 511 IAC 7-27-7(d) ("Article 7") is violated because a case conference met on January 14, 2004 and another case conference should have again been held on January 14, 2005.
3. The public agency produced documentation showing that the case conference committee (annual case review) met on April 28, 2004 to "review the appropriateness of the special education goals, services and placement of (the student)." The parent attended this meeting.

CONCLUSION:

1. The case conference committee met on April 28, 2004 to "review the appropriateness of the special education services and placement of (the student)". The next case conference meeting must take place on or before April 28, 2005. The contention that case conference committees must meet on the "anniversary date" of the initial case conference is not a requirement of Article 7 or IDEA. Case conference committees must meet to assure that IEPs are not more than 12 months old. Based on Finding of Fact # 3, there is no violation.

CORRECTIVE ACTION:

There is no violation and therefore no corrective action is ordered.